HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.P. No.13247 OF 2007

Between:

The Akhila Hyderabad Hamali Sangam

. . .Petitioner

AND

The Government of Andhra Pradesh and others

. . .Respondents

:: ORDER ::

Counsel for the petitioner : Shri M.Damodar Reddy

5th July, 2007

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PER G.S.SINGHVI, CJ

In this petition filed in the name of public interest litigation, The Akhila Hyderabad Hamali Sangam has prayed for issue of a mandamus to respondent Nos.1 to 3 to stop crackers business within the premises of Agricultural Market Committee, Mehboob Mansion, Malakpet, Hyderabad.

The petitioner claims to be the representative body of the hamalis working in Sai Krupa Market, Mehboob Mansion, Malakpet, Hyderabad. Its grievance is that even though Writ Petition No.17932 of 2004 filed by the traders engaged in the crackers business for grant of permission to do that business in the premises of Agricultural Market Committee was dismissed by the learned Single Judge on 6-10-2004 and in Writ Appeal No.1591 of 2004, the Division Bench recorded the undertaking of Fire Works Dealers Association to stop the business of dealing with crackers or any other explosive substances in the area of Agricultural Market Committee, the official respondents have not taken steps to curb the crackers business within the area of the market committee.

We have heard Sri M. Damodar Reddy and perused the record. In our opinion, the writ petition is liable to be dismissed summarily because the undertaking given by Fire Works Dealers Association in Writ Appeal No.1591 of 2004 to stop the business of dealing with crackers or any other explosive substances within the area of Agricultural Market Committee is still operative and, therefore, there is no reason for us to issue a mandamus for enforcing the undertaking

given before the Court. If any one of the private respondents has violated the undertaking, then the only remedy available to the petitioner is to initiate proceedings under the Contempt of Courts Act, 1971.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.16580 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

5th July, 2007

C.V.NAGARJUNA REDDY, J

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